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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/051,459 Confirmation No. : 6980
Applicant : Hañs BEER, et al.
Filed : January 22, 2002
TC/A.U. : 1743
Examiner : L ALEXANDER
Docket No. : 010743.50685US
Customer No. : 23911
Title : Surface-Enhanced Membrane and Process and Apparatus for
Producing Same

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REPLY TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action mailed May 10, 2004 in the above-identified application.

Responsive to the requirement for restriction, Applicants hereby provisionally elect the claims of Group I, namely claims 1-17, for examination in the instant application in the event the restriction requirement is not withdrawn. This provisional election is made with traverse.

Reconsideration and withdrawal of the requirement for restriction are respectfully requested on grounds that the premises upon which the restriction is based are incorrect, and a proper basis for restriction has not been established.

Restriction between the claims of Group I and those of Group II is assertedly justified on grounds that the product **as claimed** can be made by another and materially different process. As support for this assertion, the Office Action sets forth as an example of such a materially different process, a process that "includes reagents for determining the presence or absence of an

analyte.” Such a process, however, is **not** materially different from the process claimed in claim 1. The process of claim 1 does not exclude the presence of reagents for determining the presence or absence of an analyte. Thus, the allegedly “materially different” process including reagents for determining the presence or absence of an analyte would fall within the scope of process claim 1 and is not a materially different process at all.

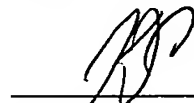
Restriction between the claims of Group III and those of Groups I and II is assertedly justified on grounds that the apparatus claimed in claims 35-48 is not an obvious apparatus for making the product claimed in claims 18-34 and can be used for making a different product. As support for the assertion that the apparatus can be used to make a different product, the Office Action mentions as an example of such a different product a “cellulose membrane that does not have a refined surface.” The apparatus **as claimed**, however, includes “at least one membrane cleansing device for bringing at least one side of the feedstock membrane from which impurities are to be removed, into contact with at least one cleansing agent or cleansing device”. Use of such an apparatus will necessarily remove impurities from the surface of the membrane, and this removal of impurities constitutes a refinement of the surface. Consequently, use of the apparatus **as claimed** will **always** produce a membrane with a refined surface, and the assertion in the Office Action is incorrect.

For the foregoing reasons, the requirement for restriction is **not** justified, and cannot stand. Reconsideration and withdrawal are accordingly respectfully requested.

If there are any questions about this reply or the application in general, the Examiner is requested to contact the undersigned by telephone at 202-624-2845 so that any such questions may be expeditiously resolved.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010743.50685US).

Respectfully submitted,



J. D. Evans
Registration No. 26,269

June 9, 2004

JDE/sjm

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